

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:08-CR-00089-F-1

UNITED STATES OF AMERICA,

v.

JAMES EARL STATON, JR.,

Defendant.

)
)
)
)
)
)

ORDER

This matter is before the court on Defendant's Motion to Stay [DE-56]. In his motion, Defendant requests that this court enter an order staying, postponing, or suspending his order to pay fines and/or court costs until he is released from prison and placed on probation. Defendant further requests that this court enter an order directing the prison to cease any and all collection actions.

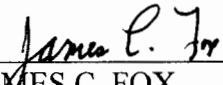
In its December 10, 2008 Judgment, the court ordered Defendant to pay a special assessment of \$100.00 and a fine in the amount of \$7,200.00. *See* Judgment [DE-34]. The court further ordered that the fine and special assessment were "due in full immediately." *Id.* at 6.

Defendant is specifically challenging the payments he is being required to make under the Inmate Financial Responsibility Program, a program which is administered by the Bureau of Prisons. A defendant making such a challenge must first exhaust his administrative remedies. *See Urbina v. Thoms*, 270 F.3d 292, 295 n.1 (6th Cir. 2001) (noting that "the Bureau of Prisons should be given the opportunity to consider the application of its policy . . . before the matter is litigated in the federal courts." (internal quotation marks omitted)). Defendant's motion does not indicate that he has exhausted his administrative remedies.

In light of the foregoing, Defendant's Motion to Stay [DE-56] is DENIED.

SO ORDERED.

This, the 8th day of September, 2014.



JAMES C. FOX
Senior United States District Judge